

## REMARKS

This application has been carefully reviewed in light of the Office Action dated July 19, 2007. Claims 11 to 33, 38 to 40, 42 to 46, 48 to 51 and 53 are in the application, of which the following claims are independent: Claims 11, 26, 30, 38, 40, 42, 43, 46, 48, 49, 51 and 53. Reconsideration and further examination are respectfully requested.

Claims 31 to 33, 41, 47 and 52 were rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. In response, Claims 31 to 33 (all of which are dependent from Claim 30) have been amended so as to specify an “apparatus”, in keeping with the preamble of independent Claim 30. Claims 40, 47 and 52 have all been cancelled, without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejection.

Formal objections were lodged against Claims 52 and 53. Claim 52 has been cancelled, as explained above. As for Claim 53, it has been amended so as to delete its reference to “the device”. Withdrawal of the objection to Claim 53 is respectfully requested.

Formal objections were lodged against Claims 33 and 37, pursuant to 37 C.F.R. § 1.75, as allegedly being substantial duplicates of Claims 32 and 36. In response, Claim 32 has been amended so as to recite a “thumbnail image”, such that it is no longer a substantial duplicate to the “sound files” of Claim 33. In addition, all of Claims 34 to 37 have been cancelled, inclusive of Claims 36 and 37 against which these formal objections

were lodged. Again, cancellation is without prejudice or disclaimer of subject matter, without conceding the correctness of the objections.

Claims 38 to 48 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 5,943,050 (Bullock). Claims 49 to 53 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,522,354 (Kawamura). Finally, Claims 11 to 14 and 26 to 37 were rejected under 35 U.S.C. § 103(a) over Kawamura in view of Bullock and further in view of U.S. Patent 5,706,097 (Schelling). The rejections are respectfully traversed, as detailed more fully below.

Claims 11 to 33, 49 to 51 and 53

The captioned claims are all directed to the nature of a display on a computer to which an image device (such as a digital camera) is connectable. The rejected claims have all been amended so as to make this relationship more clear. That is, the claims are not directed to the nature of the display on an unspecified apparatus; rather, the claims are directed to the nature of a display on a computer which includes an interface to which a digital camera (or other imaging device) is connectable.

The Kawamura reference, on the other hand, is directed to the nature of the display on the view screen of a digital camera. More specifically, as shown in Figure 3 of Kawamura, a digital camera includes a liquid crystal display 19. Figure 5 depicts the appearance of display 19 when the digital camera is set to the transfer mode. As seen there, display 19 of the digital camera includes two transfer forms consisting of “transfer to PC” and “telephone line”. See Kawamura, column 5, lines 19 to 24.

Figure 6 of Kawamura (upon which the rejection relied) shows the further appearance of display 19 in a case where telephone display has been selected. Specifically, Figure 6 shows the display of thumbnail images stored in the digital camera on display 19 of the digital camera, together with telephone icons 51 which designated that data transfer was finished normally. See column 6, lines 12 to 19.

Thus, although it is true that Kawamura's digital camera is connectable to a computer, Kawamura's disclosure is unrelated to the nature of a display on that computer. Rather, Kawamura's disclosure relates strictly to the nature of a display on the digital camera itself.

The secondary references to Bullock and Schelling, which were applied in the rejection of Claims 49 to 51 and 53, have all been reviewed, but they are not seen to add anything to the above-mentioned deficiencies of Kawamura as a reference against the claims.

It is therefore respectfully requested to withdraw the rejection over Kawamura, and over Kawamura in view of the secondary references.

Claims 38 to 40, 42 to 46 and 48

The captioned claims are likewise directed to the nature of a display by an apparatus to which a device is connectable. According to these claims, there is an interface for connection to the device, and a connection of the device to the interface is detected. In a case that the connection of the device to the interface is detected, the output of variously-claimed icons is controlled.

Bullock relates to the appearance of a user interface on a personal computer to which an image capture device is connectable. The user interface is illustrated in Figures 4 through 18, and features a “capture device window” 175. See Bullock, column 4, lines 19 to 23 and 58 to 61. The capture device window 175 includes a viewfinder window 170 which mimics, at the PC, the appearance of the viewfinder view through the digital camera. In addition, the capture device window 175 includes buttons that affect settings, such as button 179 which affects the settings of the digital camera. See Bullock, column 5, lines 10 to 31.

According to the invention of the captioned claims, however, the output of variously claimed icons is controlled based on detection of a connection of the device to the interface of the claimed apparatus. It is Applicants’ understanding that the capture control window 175 of Bullock is not displayed based on detection of a connection of the digital camera to Bullock’s PC.

The Office Action took a contrary view, and stated that Bullock describes the detection of a connection to a camera, and the consequent display of the image capture window 175. Citations were made to columns 5 and 8, and to Figure 19A. Applicants have reviewed the cited sections of Bullock, and believe that they do not support the position that Bullock detects connection of a digital camera to the PC, and based on such a detection, thereafter displays the image capture window. This positions is explained more fully below.

Specifically, as explained by Bullock at column 5, lines 40 to 45, when the device capture application is started, image capture window 175 is displayed on the PC's screen:

“Thus, it is assumed that initially (i.e., before any user customization) that when the ‘capture device’ application is started, the window 175 shown in FIG. 4 would appear essentially centered on the computer screen, with the capture device powered on, and the viewfinder 170 also on.”

This cited portion of Bullock clearly states that the capture device application is started, but does not state the means by which it is started. In particular, the cited portion of Bullock does not state that the capture device application is started in response to detection of a connection of the digital camera to the PC.

Likewise, Figure 19A is described at column 8, lines 59 to 63:

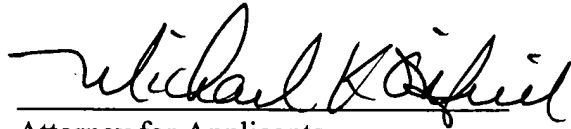
“FIGS. 19A-19E comprise a flow diagram for the main image capture device application program. In FIG. 19A, the application starts 300 when the operating system receives a command to initiate operation of the image capture device application program 302. ***This could be done, for example, by clicking on a camera icon on the OS/2 desktop representing the image capture device application, to ‘open’ the application.***” (Emphasis added.)

Thus, these cited portions of Bullock do not support the position, taken by the PTO, that Bullock somehow detects connection of his camera to the PC, and thereupon controls output of an icon. Rather, the cited portion of Bullock actually proves the contrary position: that the image capture window 175 is displayed based on the user's activation of it, and not based on a detection of a connection of the camera to the PC.

It is therefore respectfully requested to withdraw the rejection over Bullock.

Applicants' undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

Attorney for Applicants  
Michael K. O'Neill  
Registration No. 32,622

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

FCHS\_WS 1899244v1